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FEDERAL COMMUNICATIONS COMMISSION
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re)
)
Review of the Commission's) MM Docket No. 95-90
Regulations Governing Broadcast)
Television Advertising)

To: The Commission

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COMMENTS OF
MAC AMERICA COMMUNICATIONS, INC.

MAC America Communications, Inc. ("MAC"), by its undersigned counsel, submits the following comments in the above-captioned proceeding to urge retention of the network advertising representation rule (47 C.F.R. §73.658(i)). MAC is the licensee of Television Station KTVK, Channel 3, Phoenix, Arizona, a local family-owned station that is not part of a large broadcast group and is not affiliated with one of the major television networks. These comments are submitted in support of the "Comments of TeleRep, Inc." being filed today, with which MAC concurs.

1. Repeal of the so-called network rep rule would seriously undermine the all-important principle of broadcast localism by strengthening the ability of the already powerful national networks to influence and control programming and advertising decisions of their station affiliates. As TeleRep correctly points out, the networks have increasingly sought in recent years, through creative disincentives written into affiliation agreements, to make it all

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but impossible for affiliates to exercise independent judgment about network programming. TeleRep Comments, pp. 10-11. Repeal of the network rep rule would enhance even further the networks' ability to dominate affiliates' programming decisions. An independent sales representative gives programming advice to its station client that is in the station's best interest. However, a network acting in a sales rep capacity will inevitably give advice that is in the network's best interest. When the network's interests override the programming judgments of local stations, local service is sacrificed. The Commission should view with concern the encroachments on local programming decisions being built into current network affiliation agreements. See TeleRep Comments, p. 11.

2. This is not an idle concern. The values of localism, which remain the bedrock of broadcast communications policy in this country, are already substantially threatened by mega-mergers and the growing domination of large group owners. As MAC has commented in another proceeding, this trend, along with rapidly expanding competition from new non-broadcast providers of video service, makes it increasingly difficult for broadcasters to provide community-oriented service focused on the problems and needs of the community of license in the best and most honored tradition of localism.^{1/} The Commission should not exacerbate this problem by

^{1/} See "Comments of Media America Corporation" filed May 16, 1995, in MM Docket No. 91-221 (Review of the Commission's Regulations Governing Television Broadcasting).

repealing a rule whose repeal will strengthen network domination of affiliates at the expense of local judgment, local decision-making, and ultimately local service. The continued existence of independent rep firms provides competition, which is an important counterweight to increasing concentration of network power. The public benefit of that competition should be preserved.

3. For these reasons and the additional reasons stated by TeleRep in its Comments, MAC urges the Commission to retain the network advertising representation rule.

Respectfully submitted,

MAC AMERICA COMMUNICATIONS, INC.

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August 28, 1995

CERTIFICATE OF SERVICE

I, Nathaniel F. Emmons, hereby certify that on this 28th day of August, 1995, a copy of the foregoing "Comments of MAC America Communications, Inc." was mailed by first-class mail to:

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